

"OPINION"

IN THE CIRCUIT COURT FOR FREDERICK COUNTY,
MARYLAND.

Ida Jane Cranford, widow,
et al.

Vs.

No. 17,505 Equity.

James E. Moxley

The opinion in this case need be but very short. In the papers submitted, the Court finds no answer of Susie V. Gregory, nor a decree pro confesso against her. This should be taken care of, if it has not already been, before final decree.

The evidence will not be reviewed in detail, but it establishes beyond doubt a mutual mistake was made in the elimination of the 12 acre, more or less, tract from the deed. The value of the property, the location of the home, its long occupancy by plaintiffs' deceased, the payment of taxes, and the failure of access to Parcel C, etc., make this certain. It is so clear, the Court will not belabor the matter.

The Court also finds as a matter of fact the land in question cannot be divided in kind without loss or injury.

A decree, therefore, will be passed when presented granting the second, third and fourth prayers of the amended bill of complaint.

Stedman Prescott

Judge.

Filed July 15, 1955